

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ACADEMY OF ALLERGY & ASTHMA	§	
IN PRIMARY CARE and UNITED	§	
BIOLOGICS, LLC, d/b/a UNITED	§	
ALLERGY SERVICES,	§	
	§	
Plaintiffs,	§	
	§	
vs.	§	CIV. NO. 5:14-CV-00035-OLG
	§	
AMERICAN ACADEMY OF ALLERGY	§	
ASTHMA & IMMUNOLOGY, ET AL.,	§	
	§	
Defendants.	§	

DECLARATION OF JAMES A. REEDER, JR. IN SUPPORT OF
PHADIA US INC. AND THERMO FISHER SCIENTIFIC INC.'S
MOTION TO EXCLUDE TESTIMONY OF PETER BOLAND

1. My name is James A. Reeder, Jr. I am a Partner in the law firm of Vinson & Elkins, LLP and am engaged in the representation of Defendants Phadia US, Inc. ("Phadia") and Thermo Fisher Scientific Inc. ("Thermo Fisher"). I submit this declaration in support of Phadia and Thermo Fisher's Motion to Exclude Testimony of Peter Boland. I have personal knowledge of the facts set forth herein, and if called upon as a witness, I could testify to them competently under oath.

2. Attached to previously filed Dkt. 303 is Sealed Exhibit 1, a true and correct copy of the *Expert Report of Peter Boland, Ph.D.*, as provided to me by counsel for Plaintiffs Academy of Allergy & Asthma in Primary Care ("AAAPC") and United Biologics, LLC d/b/a United Allergy Services ("UAS") ("collectively, "Plaintiffs") on May 2, 2016.

3. Attached to previously filed Dkt. 303 is Sealed Exhibit 2, a true and correct copy of the *Rebuttal Report of Peter Boland, Ph.D.*, as provided to me by counsel for Plaintiffs on July 1, 2016.

4. Attached to previously filed Dkt. 303 is Sealed Exhibit 3, a true and correct copy of excerpts from the official transcript of the May 26, 2016 deposition of Peter Boland.

5. Attached to previously filed Dkt. 303 is Sealed Exhibit 4, a true and correct copy of excerpts from the official transcripts of the September 3, 2015 deposition of Barry Lachman, August 19, 2015 deposition of David Palafox, June 10, 2016 deposition of Michael Martin, June 7, 2016 deposition of Dwight Brower, June 10, 2016 deposition of Robyne Goates, June 29, 2016 deposition of Molly O'Toole, June 22, 2016 deposition of Barbara Muller, July 14, 2016 deposition of Allan Chernov, June 27, 2016 deposition of Michelle Canady, and July 13, 2016 deposition of William Glomb.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Date: August 2, 2016

Respectfully submitted,

/s/ James A. Reeder, Jr.

James A. Reeder, Jr.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served electronically in compliance with Local Rule CV-5(a). As such, the foregoing document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(b)(1). Pursuant to Fed. R. Civ. P. 5(a)-(d) and Local Rule CV-5(b)(2), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email and/or fax on this 2nd day of August, 2016.

/s/ Michelle K. Arishita
Michelle K. Arishita